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FOR NEA/FO (PATTON), DRL/FO (BARKS-RUGGLES), AND NEA/MAG  
(NARDI AND HARRIS)

E.O. 12958: DECL: 06/02/2018

TAGS: PREL PHUM TS

SUBJECT: HUMAN RIGHTS DEFENDERS FUND: MAKING THE BEST USE  
OF AN IMPORTANT TOOL

REF: CHEN-TO-HARRIS AND SHEA EMAIL OF 05/22/2008 (AND  
PREVIOUS)

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

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Summary  
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¶1. (S) We understand that DRL made the decision to approve two Human Rights Defenders Fund (HRDF) cases involving activists in Tunisia. Post previously expressed our concerns about these cases. In this cable we set out formally our concerns about the merits of the two cases, lay out possible negative repercussions, and note some questions about the process by which such decisions are made. In paragraph 5, we put forward some thoughts for improving the process with the goal of seeing the HRDF used to best effect. End Summary.

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Concerns about the Merits  
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¶2. (S) As conveyed in ref and in other communications, Post has raised concerns about the first two Tunisian recipients of the HRDF. In short, neither recipient struck as a strong or clear candidate for this program.

-- Ali Ben Salem has long been known as a human rights activist in Tunisia, is a founding member of two human rights organizations, and is respected in the activist community and considered something of an icon for standing up to the regime. On paper, he looks like a good candidate. In interactions with EmbOffs, however, we have observed him acting in ways that led us to believe that he may not be stable. For example, when a meeting with EmbOffs was blocked by plain-clothes policemen, Ben Salem became quite emotional, flailing about and shouting anti-Ben Ali slogans to passers-by. It was not certain where this outburst might lead, but it was not and could not be productive. Moreover, it is not clear that his current difficulties stem from what some perceive as his role as a "defender of human rights."

-- In the case of Slim Boukhdir, we believe he probably committed the offense for which he is in prison. Although his sentence (one year in prison) is harsh for the crime, it is in line with the penal code. Other Tunisians, and some foreigners, are in prison for the same offense. We would agree, however, that Boukhdir has been subject to harassment on other occasions and has been a defender of freedom of expression. We note, as well, that the Ambassador has raised his case with high-ranking GOT officials.

Both of these cases raise, in our view, important questions about how we define "defender of human rights" and who qualifies for the designation. They also raise questions about who should receive direct financial support from US

taxpayers and whether we have properly connected US policy and resources.

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Concerns about Repercussions  
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¶3. (S) In our communications with DRL, Post raised concerns about possible negative repercussions if the HRDF grants become public.

-- In a non-permissive environment like Tunisia, anyone who receives a HRDF grant could be subject to harassment. DRL satisfied our concern that the grants will be provided in local currency; this way, the grantees won't be in danger of circumventing Tunisia's strict controls on foreign currency. Even if a recipient is not breaking the law by accepting a grant in local currency, however, s/he could and probably would be subject to reprisals by the GOT. We cannot predict the form that such reprisals might take, but we have seen unrelated cases in which we suspect the GOT has targeted or harassed family members of activists. Given the role played by Freedom House (FH) in the HRDF process, it could be the FH local office of that is targeted. For